

### **Remarks**

Claims 1-9, 13-15 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kori (US 6,480,607) in view of Ezaki (US 6,721,437). Claims 10-12 and 16-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kori in view of Ezaki and further in view of Wehrenberg (US 6,523,113). These rejections are respectfully traversed and submitted to be inapplicable to the claims for the following reasons.

Claim 1 is patentable over the combination of Kori and Ezaki, since claim 1 recites an encrypted data signal comprising an encrypted copy-controlled data signal, wherein the data signal contains superimposed thereto, as a digital watermark, identification data identifying the data signal as an encrypted signal. The combination of Kori and Ezaki fails to disclose or suggest a data signal having superimposed thereto, as a digital watermark, identification data identifying the data signal as an encrypted signal.

Kori discloses a number of different embodiments of an encrypted data reproducing, transmitting and processing apparatus. In each of the embodiments, copy control information is disclosed as being superimposed on picture data stored on a recording medium by watermark processing. The copy control information is discussed as indicating one of four possible copy states of the picture data to which it is superimposed. The first state is “copy free”, which specifies that the picture data recorded on the recording medium can be freely copied. The second state is “one copy”, which specifies that the picture data recorded on the recording medium can be copied once. The third state is “no more copy”, which specifies that the picture data recorded on the recording medium has been copied from the picture data previously labeled as “one copy” and can no longer be copied. The fourth state is “never copy”, which specifies that the picture data recorded on the recording medium cannot be copied. (See column 3, lines 22-35; column 8, lines 38-54; column 10, lines 51-59; and column 12, lines 21-26).

In the rejection, it is indicated that the above-discussed copy control information that is superimposed with the picture data by watermark processing corresponds to the identification data recited in claim 1. However, this conclusion is not accurate. The identification data is recited in claim 1 as identifying the data signal as an encrypted signal and not as identifying one of the four possible copy states as discussed above with regard to the copy control information of Kori. Therefore, it is apparent that the copy control information of Kori does not correspond to the identification data recited in claim 1. As a result, in order for the combination of Kori and

Ezaki to render claim 1 obvious, Ezaki must disclose or suggest identifying the data signal as an encrypted signal as recited in claim 1.

Ezaki discloses a data processing apparatus having an encryption section 142 that encrypts original contents S0. The original contents S0 can include a video signal and/or an audio signal. The encryption section 142 also encrypts copy control information (CCI) indicative of whether or not copying of a video or audio signal is inhibited and places the encrypted CCI into the encrypted signal of the original contents S0. (See column 22, line 55 – column 23, line 4).

Based on the above discussion, it is apparent that the copy control information disclosed in Ezaki is similar to the copy control information of Kori in that it indicates whether or not original contents S0 information can be copied. Again, this differs from what is claimed in claim 1 of the present application. Claim 1 recites that the identification data identifies the data signal as an encrypted signal and is superimposed to the data signal as a digital watermark. On the other hand, the copy control information of both Ezaki and Kori identify whether there are any limits to copying the content data (i.e., picture data or audio data) associated therewith.

Therefore, it is submitted that Ezaki fails to cure the deficiency of Kori. As a result, the combination of Kori and Ezaki fails to render claim 1 obvious.

As for Wehrenberg, it is relied upon as disclosing a player 310 that performs CSS authentication. However, Wehrenberg fails to disclose or suggest the above-discussed feature of claim 1.

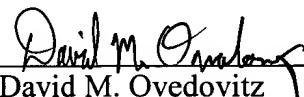
Further, claim 13 is patentable over the references relied upon in the rejections for reasons similar to those set forth above in support of claim 1. That is, claim 13, like claim 1, recites a data signal recording apparatus including, in part, a digital watermark processor for superimposing to a data signal, as a digital watermark, identification data identifying the data signal as an encrypted signal, which feature is not disclosed or suggested in the references.

Because of the above-mentioned distinctions, it is believed clear that claims 1-20 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1-20. Therefore, it is submitted that claims 1-20 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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